## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CRYSTAL MILLER,	)
Plaintiff,	) ) Case No.
v.	) Case No
PARK HOTELS & RESORTS INC., et al.,	1., )
Defendants.	)

## DEFENDANT PARK HOTELS & RESORTS INC.'S NOTICE OF REMOVAL

Please take notice that Defendant Park Hotels & Resorts Inc. ("Park"), pursuant to 28 U.S.C. §§ 1441 and 1446, is removing the above-captioned matter filed by Plaintiff Crystal Miller ("Miller") from the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

- 1. This above-captioned matter (the "State Court Case") is pending in the Court of Common Pleas of Philadelphia County, Pennsylvania, and is therefore eligible for removal under 28 U.S.C. § 1441(a).
- 2. The United States District Court for the Eastern District of Pennsylvania embraces the place where the action is pending.
- 3. This notice of removal is filed within 30 days after the receipt by Park of a copy of the May 14, 2021 initial pleading setting forth the claim for relief upon which such action or proceeding is based. *See Sikirica v. Nationwide Ins. Co.*, 416 F.3d 214, 223 (3d Cir. 2005).
- 4. Defendant Fortuna Enterprises, L.P. (incorrectly named as Fortuna Enterprises US) ("Fortuna") consents to this removal, in accordance with 28 U.S.C. § 1446(b)(2)(A).

- 5. This case is removable on the basis of this Court's diversity jurisdiction under 28 U.S.C. § 1332(a), because the citizenship of the parties is completely diverse and the amount in controversy exceeds \$75,000.
- 6. Miller resides and is domiciled in Pennsylvania. Therefore, Miller is a Pennsylvania citizen.
- 7. Fortuna's general partner is Universal Fortuna Investment, Inc., which is incorporated in California and has its principal place of business in California, and is therefore a California citizen. None of Fortuna's limited partners is a Pennsylvania citizen. Therefore, Fortuna is completely diverse from Miller.
- 8. Park is a Delaware corporation and has its principal place of business in Virginia.

  Therefore, Park is completely diverse from Miller.
- 9. Although "Hilton Los Angeles Airport" is named as a defendant, that is a fictitious entity whose citizenship "shall be disregarded" under 28 U.S.C. § 1441(b)(1).
- 10. The matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. In Count I of her complaint, Miller seeks to recover "an amount in excess of" \$50,000 from Park. Additionally, in Count II of her complaint, Miller seeks to recover "an amount in excess of" \$50,000 from Fortuna.
  - 11. A copy of Docket Sheet from the State Court Case is attached here as **Exhibit 1**.
- 12. A copy of the Civil Cover Sheet from the State Court Case is attached here as **Exhibit 2**.
- 13. A copy of the Praecipe to Issue Writ of Summons from the State Court Case is attached here as **Exhibit 3**.

- 14. A copy of the Affidavit of Service on "Hilton Los Angeles Airport" from the State Court Case is attached here as **Exhibit 4**.
- 15. A copy of the Affidavit of Service on Park from the State Court Case is attached here as **Exhibit 5**.
  - 16. A copy of the Complaint from the State Court Case is attached here as **Exhibit 6**.
- 17. A copy of the Entry of Appearance by Fortuna from the State Court Case is attached here as **Exhibit 7**.
- 18. A copy of Fortuna's Preliminary Objection from the State Court Case is attached here as **Exhibit 8**.
- 19. Pursuant to 28 U.S.C. § 1446(d), Park will promptly give written notice of this removal to Miller and file a copy of the notice with the Prothonotary of the Philadelphia County Court of Common Pleas. A copy of the written notification is attached here as **Exhibit 9**.

Dated: June 10, 2021

Respectfully submitted, PARK HOTELS & RESORTS INC. By Counsel

s/Jared M. DeBona

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## **CERTIFICATE OF SERVICE**

I certify that, on June 10, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notice to all counsel of record.

s/Jared M. DeBona